

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GIUSEPPE MAROTTA)
Plaintiff)
)
)
v.)
)
SUFFOLK COUNTY,)
Defendant)
)
)

)

Civil Action No. 05-10032-MEL

**ASSENTED TO MOTION TO EXTEND SCHEDULEING ORDER BY THREE
MONTHS DUE TO COUNSEL'S MEDICAL LEAVE OF ABSENCE**

Now comes Defendant in this action, with the assent of the Plaintiffs, who moves this Honorable Court to extend all deadlines in the Scheduling Order by a period of three months. As grounds therefore, Defendant states that Russell Homsy, the attorney currently handling this matter for the Defendant and the attorney who is most knowledgeable about this case, is scheduled to undergo a surgical procedure on March 5, 2007 and will be on a medical leave of absence for up to two months. The parties are actively engaged in discovery and have recently met with an independent auditor for the purpose of securing payroll information in the particular format that counsel require in this FLSA case. In further support of this motion, Defendant relies on the attached affidavit of counsel.

Plaintiff's assent by:

/s/ Daniel Rice
Counsel for Plaintiffs

Respectfully submitted for
Defendant Suffolk County
By its attorney

/s/ Russell T. Homsy

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AFFIDAVIT OF RUSSELL T. HOMSY, ESQ.

I, Russell T. Homsy, on oath depose and state as follows:

1. I am an attorney in good standing in the Commonwealth of Massachusetts.
2. I currently represent the Defendant in the above-captioned action.
3. I am forced to undergo a surgical operation on March 5, 2007 which will require a stay in the hospital and a leave of absence for about five to eight weeks.
4. The Plaintiffs' counsel has assented to this Motion to Extend the Scheduling Order and will not be prejudiced thereby.

The forgoing is true and accurate to the best of my knowledge, information and belief.

SIGNED UNDER THE PAINS AND PENALTIES OF
PERJURY

/s/ Russell T. Homsy
Russell T. Homsy